IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 3433 OF 2006

IN

FIRST APPEAL (ST) NO. 18381 OF 2005

Office Notes, Office Memoranda of Coram, appearances, Court's Orders or directions and Registrar's Orders	Court's or Judge's Orders

Sharad Suryavanshi i/b.P.A. Pol for the appellants.
N.K. Nesari for the respondents.

CORAM: S.B. DESHMUKH, J.

September 28, 2006.

P.C. :

1. Heard the learned counsel for the applicant as well as respondent.

2. By this Civil Application, the applicant is seeking condonation of delay to the extent of 1 year 66 days, caused in filing of First Appeal in this court.

The delay, is explained in paragraph 9 of this Civil Application. It is alleged that the daughter of the applicant at the relevant time was residing at United States of America. The grand-daughter of the applicant was unwell and therefore she went to USA on November 23, 2005. The applicant, infact had planned for return within a period of three weeks. However return tickets were not available on account of Christmas and New Year Festivity. Despite the efforts on the part of the applicant she could not contact her advocate and therefore delay has occurred. The applicant ultimately returned to India on 25.1.2006 and thereafter she filed this Appeal in this High court. Delay explained is just and sufficient. There is no malafide alleged on behalf of the respondent. In this view of the matter, delay occurred to the extent of 1 year and 66 days is just and sufficient needs to be condoned.

3. In the result, Civil Application is allowed. Delay occurred to the extent of 1 year 66 days in filing of First Appeal in this court needs to be condoned. Civil Application is accordingly allowed and disposed off.

4. List First Appeal No. 2397 of 2005 with First Appeal (St) No.18381 of 2005 for hearing / final disposal on 5.12.2006.

sd/-

(JUDGE)